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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,930	11/08/2001	Hany Aziz	D/A1251	7770

7590 11/26/2003

Patent Documentation Center
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Rochester, NY 14644

EXAMINER

GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 11/26/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

CLO 7

Office Action Summary

Application N .

10/005,930

Applicant(s)

AZIZ ET AL.

Examiner

Dawn Garrett

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19, 21-31 and 36-53 is/are allowed.
- 6) ☒ Claim(s) 54 and 55 is/are rejected.
- 7) ☒ Claim(s) 20 and 32-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment dated August 25, 2003, paper no. 5. The amendment of the specification is acknowledged. Claims 1, 32-35, and 53 were amended. Claims 54 and 55 were added. Claims 1-55 are pending.
2. The terminal disclaimer filed on August 25, 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Application Serial Nos. 10/005,993 and 10/005,970 as well as US Patent No. 6,392,250 has been reviewed and is accepted. The terminal disclaimer has been recorded.
3. The declaration (paper no. 4, submitted August 25, 2003) with regard to inventorship of US 6,392,250, is acknowledged.
4. All claim objections set forth in paper no. 3 (mailed June 19, 2003), par. 1-3 are withdrawn except the objection of claim 32, part (v). In part (v), "and (b)" should be changed to "or (b)".
5. Further minor objections to the claims include the following:
 - a. In claim 20, "thermal protective layer is present, and which" should be deleted, because claim 1 now positively recites a thermal protective layer and it is unnecessary to say it is present.
 - b. In claim 34, part (iv), "thermal protective element" should be changed to "thermal protective layer" for consistency in terminology.

Art Unit: 1774

6. The rejection of claims 1-12, 15-18, 21-29, 31, 36-51, and 53 under 35 U.S.C. 102(e) as being anticipated by Aziz et al. (US 6,392,250) is withdrawn.
7. The rejection of claims 1, 7, 8, 17-19, 21, 22, 25-29, 31-33, 37-39, 43, 45, 46 and 53 under 35 U.S.C. 102(b) as being anticipated by Nakaya et al. (US 5,792,557) is withdrawn.
8. The rejection of claims 13, 14, 19, and 30 under 35 U.S.C. 103(a) as being unpatentable over Aziz et al. (US 6,392,250) is withdrawn.
9. The rejection of claims 2-6, 9-16, 30, 40-42, 44, 47, and 49- 51 under 35 U.S.C. 103(a) as being unpatentable over Nakaya et al. (US 5,792,557) is withdrawn.
10. The rejection of claims 23, 24, and 36 under 35 U.S.C. 103(a) as being unpatentable over Nakaya et al. (US 5,792,557) in view of Nishi et al. (US 2002/0034659 A1) is withdrawn.
11. The rejection of claims 20, 34, 35, 48, and 52 under 35 U.S.C. 103(a) as being unpatentable over Nakaya et al. (US 5,792,557) in view of Mishima (US 2001/0053462 A1) is withdrawn.
12. All double patenting rejections set forth in paper no. 3, par. 12-15 are withdrawn.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1774

14. Claims 54 and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Claim 54 recites in part (vi) "a second electron material". The term "electron material" is unclear, because all compounds are comprised of electrons. For purposes of examination "a second electron *transporting* material" has been interpreted as the "second electron material".

16. Claim 55 is unclear and confusing. In addition, "a." and "b." are not defined and their meanings can not be ascertained. The examiner suggests the following language "A device in accordance with claim 54 wherein said electron transport region (vi) contains said second electron transporting material that is either similar to or dissimilar to the said first electron transporting material" or similarly clear language. Clarification and correction are required.

Allowable Subject Matter

17. Claims 1-19, 21-31, and 36-53 are allowed. The closest prior art, Nakaya et al., discussed in the previous office action fails to disclose or to render obvious the very specific layers of a light emitting device and does not disclose a thermal protective layer for either an anode or cathode or both. Claims 20 and 32-35 are objected to, but contain allowable subject matter. Claims 54 and 55 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Response to Arguments

18. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (703)305-0788. The examiner can normally be reached Monday through Friday.

Art Unit: 1774

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached at (703) 308-0449. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.

CYNTHIA H. KELLY
SUPERVISOR PATENT EXAMINER
TECHNOLOGY CENTER 1700

D.G.
November 24, 2003

Cynthia H. Kelly